BILL NO. Z-69-12-04

ZONING MAP ORDINANCE NO. Z-106-70

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. F-1.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836; and the symbols on the City of Fort Wayne Zoning Map No. F-1 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lots Numbered 75 and 76 in Harvester View Second Augmented Addition to the City of Fort Wayne, according to the plat thereof recorded in Plat Record 10 at page 62 in the office of the Recorder of Allen County, Indiana, subject however, to all legal roads and highways and specifically the right-of-way for East Washington Boulevard, which said property is commonly known as 1327 Kitch Avenue.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

APPROVED AS TO FORM AND LEGALITY,

CITY ATTORNEY

Read the first time in full and on motion by Rousseau seconded by Steigerwald and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the City Plan Commission for recommendation) ~~(and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on~~ ~~the~~ ~~day of~~ ~~196~~ ~~, at~~ ~~o'clock~~ ~~P.M., E.S.T.~~

Date: 12-9-69 Fred G. Bonahoom
City Clerk

Read the third time in full and on motion by Dunifon seconded by Rousseau and duly adopted, placed on its passage.

Passed ~~(LOST)~~ by the following vote:

	AYES 9,	NAYS 0,	ABSTAINED ___,	ABSENT ___ to-wit:
Adams	✓			
Dunifon	✓			
Fay	✓			
Geake	✓			
Nuckols	✓			
Robinson	✓			
Rousseau	✓			
Steigerwald	✓			
Tipton	✓			

Date 5-12-70 Fred G. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) ~~(General)(Annexation)(Special)(Appropriation)~~ Ordinance ~~(Resolution)~~ No. 2-106-70 on the 12th day of May, 1970.

ATTEST: (SEAL)

Fred G. Bonahoom
City Clerk

Herbert F. Tipton
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1970 at the hour of 8:30 o'clock A.M., E.S.T.

Fred G. Bonahoom
City Clerk

Approved and signed by me this 13th day of May, 1970, at the hour of 9:00 o'clock A.M., E.S.T.

Harold S. Zeis
Mayor

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 9, 1969, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-69-12-04; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 19, 1970;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 26, 1970.

Certified and signed this 7th day of May 1970.

Mary Ann Haynie

Mary Ann Haynie
Secretary

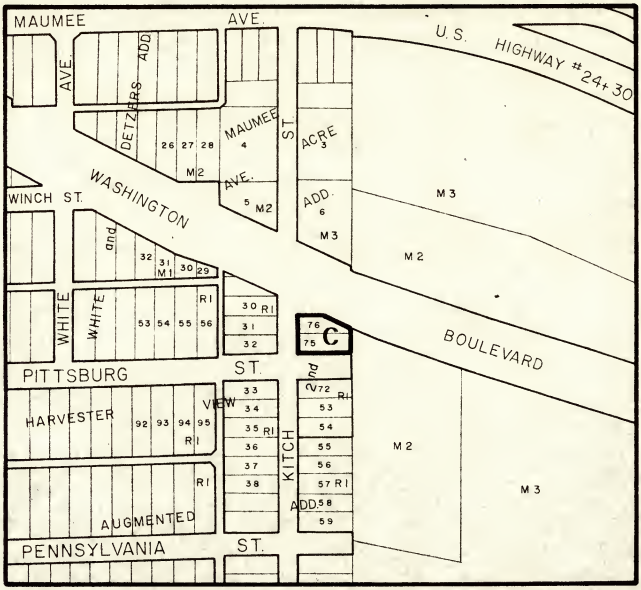
$ 25.00 Nov. 21 1969 No.

RECEIVED OF Christoff, Snouffer + Haller

Twenty-five and 00/100 DOLLARS

Rezone lot 75+76 Harvester View 2nd Augmented

BY Ann Rogers



C CHANGE FROM RI TO B3B

Z

N

Bill No. Z-69-12-04

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. F-1

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

JACK K. DUNIFON, Chairman

EDWIN J. ROUSSEAU, Vice-Chairman

THOMAS G. ADAMS

WILLIAM K. GEAKE

PHIL A. STEIGERWALD

CONCURRED IN

DATE 5-12-70 FUAD G. BONAHOOM, CITY CLERK

PETITION TO REZONE

I, Dorothy A. Donahue, of 1327 Kitch, Fort Wayne, Indiana, the undersigned, being the owner of more than fifty-one (51%) per cent of the real estate hereinafter described, do hereby respectfully petition the Common Council of the City of Fort Wayne to enact an ordinance changing this real estate hereinafter described from an R-1 District to a B-3-B District:

Lots Numbered 75 and 76 in Harvester View Second Augmented Addition to the City of Fort Wayne, according to the plat thereof recorded in Plat Record 10 at page 62 in the office of the Recorder of Allen County, Indiana, subject however, to all legal roads and highways and specifically the right-of-way for East Washington Bldv., which said properly is commonly known as 1327 Kitch Avenue.

Dorothy A. Donahue

Please mail any and all notices to Robert W. Haller, Attorney at Law. 1008 Fort Wayne Bank Building, Fort Wayne, Indiana 46802

DEDICATION

The undersigned, DOROTHY A. DONAHUE, being the surviving tenant by the entirety of Charles E. Donahue and Dorothy A. Donahue, husband and wife, of Allen County, Indiana, hereby dedicate to the public for street purposes, in consideration of One and no/100 ($1.00) Dollar, and other good and valuable consideration, receipt of which is hereby acknowledged, a strip of land in Allen County, Indiana, described as follows:

> The Westerly 5 feet of Lots 75 and 76 in Harvester View, 2nd Augmented Addition to the City of Fort Wayne, according to the plat thereof as recorded in Plat Book 10, at Page 62 of the records in the office of the Recorder of Allen County, Indiana,

for the widening of Kitch Street.

WITNESS my hand and seal this 27th day of April, 1970.

Dorothy A. Donahue

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, this 27th day of April, 1970, personally appeared DOROTHY A. DONAHUE, unmarried and over the age of twenty-one (21) years, and acknowledged execution of the above Dedication to be her voluntary act and deed.

Lydia K. Richards, Notary Public

My Commission Expires:

3-10-72

Prepared By: Robert W. Haller, Attorney at Law

RESTRICTIVE COVENANT

The undersigned, DOROTHY A. DONAHUE, being the surviving tenant by the entirety of Charles E. Donahue and Dorothy A. Donahue, husband and wife, being the owner of the real estate in Allen County, Indiana, described as follows:

> Lots Numbered 75 and 76 in Harvester View, 2nd Augmented Addition to the City of Fort Wayne, according to the plat thereof recorded in Plat Record 10, Page 62 in the office of the Recorder of Allen County, Indiana.
>
> Subject, however, to a right-of-way grant given to the State Highway Commission of Indiana, over a portion of Lot Numbered 76, described as follows, to-wit: Beginning at the Northeast Corner of said Lot; thence West along the North line of said Lot 62.4 feet; thence in a Southeasterly direction 67 feet to a point on the East line of said Lot 27.4 feet South of the Northeast Corner of said Lot; thence North along the East line of said Lot 27.4 feet to the place of beginning, except the West 5 feet of said Lots 75 and 76 in Harvester View, 2nd Augmented Addition dedicated for the widening of Kitch Street,

in consideration of permission to use said real estate for uses allowed in a B-3-B district, hereby covenant and agree, for myself, grantees, personal representatives, successors and assignees as follows:

> We will not erect, or permit to be erected, any building, or structure of any nature on said real estate nearer than 15 feet to the East line of the right-of-way of Kitch Street.

This is not a personal covenant, but shall run with the land and inure to the benefit of all owners of real estate within five hundred (500) feet of said real estate, and of the public. It

may be enforced by injunction or otherwise by any of said owners or by the City of Fort Wayne on behalf of the public.

WITNESS my hand and seal this 27th day of April, 1970.

Dorothy A. Donahue

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public, in and for said County and State, this 27th day of April, 1970, personally appeared, DOROTHY A. DONAHUE, unmarried and over the age of twenty-one (21) years, and acknowledged the execution of the above Restrictive Covenant to be her voluntary act and deed.

Phyllis K. Edwards, Notary Public

My Commission Expires:

3-10-72

Prepared By: Robert W. Haller, Attorney at Law

Form Prescribed by State Board of Accounts — General Form No. 99 P (Rev 1967)

Common Council-City of Ft. Wayne (Governmental Unit) — To NEWS-SENTINEL Dr.

Allen County, Ind. — FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	
Head	number of lines	—
Body	number of lines	78
Tail	number of lines	1
	Total number of lines in notice	79

COMPUTION OF CHARGES

79 lines, columns wide equals equivalent lines at .288¢ cents per line	$ 22.75
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	
TOTAL AMOUNT OF CLAIM	$ 22.75

DATA FOR COMPUTING COST

Width of single column 11 ems — Size of type 5½ point

Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date June 8, 19 70 — Title Clerk

Notice is hereby given that on the 12th day of May, 1970, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following Zoning Map ordinance, to-wit:
Bill No. Z-70-12-04
ZONING MAP ORDINANCE NO. Z-106-70
AN ORDINANCE amending the City of Fort Wayne Zoning Map No. F-1.
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:
SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836; and the symbols on the City of Fort Wayne Zoning Map No. F-1 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:
Lots Numbered 75 and 76 in Harvester View Second Augmented Addition to the City of Fort Wayne, according to the plat thereof recorded in Plat Record 10 at page 62 in the office of the Recorder of Allen County, Indiana, subject however, to all legal roads and highways and specifically the right-of-way for East Washington Boulevard, which said property is commonly known as 1327 Kitch Avenue.
SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.
EDWIN J. ROUSSEAU, Councilman.
Read the third time in full and on motion by Dunlon seconded by Rousseau and duly adopted, placed on its passage. Passed by the following vote:
Ayes—nine
Adams, Dunlton, Fay, Geake, Nuckols, Robinson, Rousseau, Steigerwald, Tipton.
Nays—none.
Date: 5-12-70.
FAUD G. BONAHOOM, City Clerk.
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-106-70 on the 12th day of May, 1970.
ATTEST: (SEAL)
FAUD G. BONAHOOM, City Clerk.
HERBERT G. TIPTON, Presiding Officer.
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1970 at the hour of 8:30 o'clock A.M., E.D.T.
FAUD G. BONAHOOM, City Clerk.
Approved and signed by me this 13th day of May, 1970, at the hour of 9:00 o'clock A.M., E.D.T.
HAROLD S. ZEIS, Mayor.
I, Faud G. Bonahoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of Zoning Map Ordinance No. Z-106-70 passed by the Common Council on the 12th day of May 1970, and that said Ordinance was duly signed, and approved by the Mayor on the 13th day of May, 1970 and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 20th day of May, 1970.
FAUD G. BONAHOOM, City Clerk.
(SEAL)
5-28-6-2

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city (~~town~~) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

May 26, 1970
June 2, 1970

A. M. Hostman

Subscribed and sworn to before me this 8th day of June 19 70

Edith Stapleton
Notary Public

My commission expires March 8, 1974

Form Prescribed by State Board of Accounts — General Form No. 99 P (Rev. 1967)

Common Council-City of Ft.Wayne
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines		
Head number of lines		-
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COMPUTION OF CHARGES

79 lines, columns wide equals equivalent lines at 288¢ cents per line — $ 22.75

Additional charge for notices containing rule or tabular work (50 per cent of above amount) —

Charge for extra proofs of publication (50 cents for each proof in excess of two) —

TOTAL AMOUNT OF CLAIM — $ 22.75

DATA FOR COMPUTING COST

Width of single column 11 ems — Size of type 5½ point

Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

H. Owen

Date June 8, 1970 — Title CLERK

Notice is hereby given that on the 12th day of May, 1970, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following Zoning Map ordinance, to-wit:
Bill No. Z-69-12-04

ZONING MAP ORDINANCE NO. Z-106-70
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SECTION 1. That the area described as follows is hereby designated a B-3-B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836; and the symbols on the City of Fort Wayne Zoning Map No. F-1 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:
Lots Numbered 75 and 76 in Harvester View Second Agumented Addition to the City of Fort Wayne, according to the plat thereof recorded in Plat Record 18 at page 62 in the office of the Recorder of Allen County, Indiana, subject however, to all legal roads and highways and specifically the right-of-way for East Washington Boulevard, which said property is commonly known as 1327 Kitch Avenue.
SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.
EDWIN J. ROUSSEAU, Councilman.
Read the third time in full and on motion by Dunifon seconded by Rousseau and duly adopted, placed on its passage. Passed by the following vote:
Ayes—nine
Adams, Dunifon, Fay, Geake, Nuckols, Robinson, Rousseau, Steigerwald, Tipton.
Nays—none.
Date: 5-12-70.
FUAD G. BONAHOOM, City Clerk.
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-106-70 on the 12th day of May, 1970.
ATTEST: (SEAL)
FUAD G. BONAHOOM, City Clerk.
HERBERT G. TIPTON, Presiding Officer.
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1970 at the hour of 8:30 o'clock A.M., E.D.T.
FAUD G. BONAHOOM, City Clerk.
Approved and signed by me this 13th day of May, 1970, at the hour of 9:00 o'clock A.M., E.D.T.
HAROLD S. ZEIS, Mayor.
I, Fuad G. Bonahoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of Zoning Map Ordinance No. Z-106-70 passed by the Common Council on the 12th day of May 1970, and that said Ordinance was duly signed, and approved by the Mayor on the 12th day of May, 1970 and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 20th day of May, 1970.
FUAD G. BONAHOOM, City Clerk.
(SEAL)
5-26--6-2.

PUBLISHER'S AFFIDAVIT

State of Indiana } as:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned XXXXXXXXXXXXX H.OWEN who, being duly sworn, says that he is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

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